



Agenda Item Form

Agenda Date: June 8, 2004

Districts Affected: All

Dept. Head/Contact Information: Byron E. Johnson, CPM, Purchasing

Type of Agenda Item:

- | | | |
|--|---|--|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Staffing Table Changes | <input type="checkbox"/> Board Appointments |
| <input type="checkbox"/> Tax Installment Agreements | <input type="checkbox"/> Tax Refunds | <input type="checkbox"/> Donations |
| <input checked="" type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer | <input type="checkbox"/> Item Placed by Citizen |
| <input type="checkbox"/> Application for Facility Use | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application |
| <input type="checkbox"/> Other _____ | | |

Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☒ Other Source: Solid Waste Management Internal Funding

Legal:

- ☒ Legal Review Required Attorney Assigned (please scroll down): Ruth Reyes ☐ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days: _____

Why is this item necessary:

To award bid for Old Clint Landfill Fencing Improvements. Project must be fast tracked due to TCEQ requirements.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Award amount is \$141,417.00. Any ongoing maintenance or operating expenditures will come from operating accounts.

Statutory or Citizen Concerns:

none

Departmental Concerns:

none

DATE: June 2, 2004
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M.
Director of Purchasing - x4313
THRU: Aurora Wells
Interim Bid Clerk ext. 4038

Byron E. Johnson CPM

CITY OF EL PASO DEPARTMENT
2004 JUN 8 PM 2 58

Please place the following item on the **CONSENT** agenda for the Council Meeting of **JUNE 8, 2004**.

Bid No.	2004-185	Old Clint Landfill Fencing Improvements
Contractor:	Matyear Construction Company, Inc.	
	El Paso, Texas	
Department:	Solid Waste Management	
Funds Available:	34010296-40499-PSWM0008-508001	
Funding Source:	Solid Waste Management Internal Funding	
Items:	Base Bid I	\$141,417.00
Total Award:	\$141,417.00	
Districts:	All	

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Solid Waste Management recommend that Gemco Construction Inc., the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security.

It is further recommended that the award of this contract be to Matyear Construction Company, Inc., as they would now be the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Contact Person: Barbara Crumley, Interim Administrative Analyst 915-541-4113.

AGENDA FOR: **JUNE 8, 2004**

CONSTRUCTION PROJECT FORM
Lump Sum

DATE: June 2, 2004
PROJECT: Old Clint Landfill Fencing Improvements
BID NO: 2004-185
ACCOUNT NO: 34010296-40499-PSWM0008-508001
FUNDING SOURCE: Solid Waste Management Internal Funding
DEPARTMENT: Solid Waste Management
REPRESENTATIVE DISTRICT(S): All

AGENDA DATE: JUNE 8, 2004 Inc.	Lowest responsive and responsible bidder CONTRACTOR: Matyear Construction Company, AMOUNT: \$141,417.00
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RECOMMENDATION:

The Departments of Purchasing, Engineering, and Solid Waste Management recommend that Gemco Construction Inc., the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security.

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DESCRIPTION OR EXPLANATION:

Base Bid I \$141,417.00

TOTAL RECOMMENDED AWARD: \$141,417.00

TIME FOR COMPLETION: 30 Consecutive Calendar Days

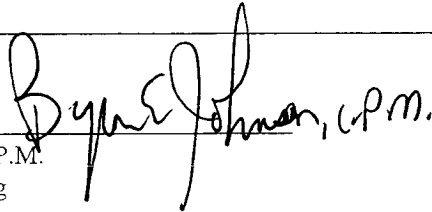
LIQUIDATED DAMAGES: \$150.00/Consecutive Calendar Day

COUNCIL or MASS TRANSIT BOARD: Approved ☐ Rejected ☐

Municipal Clerk _____ Date _____

APPROVED:

Byron E. Johnson, C.P.M.
Director of Purchasing



CITY OF EL PASO BID TABULATION

BID ITEM: OLD CLINT LANDFILL FENCING IMPROVEMENTS				BID # 2004-185		
BID DATE: MAY 19, 2004				REVISED		
				DEPARTMENT: SOLID WASTE		
	GEMCO CONSTRUCTION INC. EL PASO, TEXAS "Bidder has requested to withdraw bid"	MATYEAR CONSTRUCTION CO., INC. EL PASO, TEXAS	VALLEY FENCE COMPANY INC. EL PASO, TEXAS			
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID	\$74,579.00	\$141,417.00	\$186,856.00			
AMENDMENTS ACKNOWLEDGED	NONE ISSUED	NONE ISSUED	NONE ISSUED			
BID BOND SUBMITTED	YES	YES	YES			

CHECKED BY: Barbara Crumley

SCOPE OF WORK

OLD CLINT LANDFILL FENCING IMPROVEMENTS BID NO. 2004-185

BASE BID I:

The Old Clint Landfill Fencing Improvements consist of providing all labor, equipment, material and incidentals to install a chain link fence on the North, South, & West sides of old Clint landfill area.

The project will be accomplished as shown below or as approved by the Solid Waste Management and City of El Paso Engineering Departments. All work shall begin at Notice to Proceed, and must be completed within the indicated time frame.

- A single Notice to Proceed shall be issued for the entire project and liquidated damages shall apply at the end of the project duration.

Prior to commencement of any work the contractor should submit and obtain approval from El Paso Engineering Department for the Sequence of Construction, Schedule of Work, Traffic/Pedestrian Control Plan, and Haul/Waste Route to an approved disposal site. Contractor shall provide written approved documentation from the owner or operator of the waste site.

The description of this scope of work, as shown above, is only a general overview of this project. Contractor shall refer to the project plans and specifications for further information.

This is a Lump Sum Project.

JOE WARDY
MAYOR

**CITY COUNCIL**

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

Department of Solid Waste Management
MEMORANDUM - CORRECTED

TO: Bryon Johnson, Purchasing Director
FROM: Jeffrey Belles, Interim Director *B 6/2/04*
SUBJECT: Bid #:2004-185
Old Clint Landfill Fencing Improvement
DATE: May 27, 2004

I have reviewed the bid tabulations and find **Matyear Contruction, Inc.**, to be the responsive bidder. I am recommending that the bid be awarded to **Matyear Construction** in an amount not to exceed \$ 141,417.00.

Funds are available: 508001-40499-34010296, PSWM 0008

If you have any questions, please feel free to call me.

/ged

cy: ☒ Ziad Al-Dasouqi, Program Manager
☒ Jay M. Henson, Contract Compliance Specialist
Robert Blackwood, Financial Services Manager
Edward Drusina, P.E., CAO for Municipal Services
Said Larbi-Cherif, Building Permits & Inspection



ENGINEERING DEPARTMENT DESIGN DIVISION

Memorandum

TO: Byron Johnson, Purchasing Director

THRU: Irene Ramirez, P.E., Interim City Engineer *IR*

FROM: Ziad I. Al-Dasouqi, P.E., Civil Engineer IV *ZAD*

DATE: May 25, 2004

SUBJECT: Old Clint Landfill Fencing Improvements
Bid No. 2004-185 Recommendation

We have reviewed and analyzed the tabulation of bids on the above subject project. We understand that the apparent low bidder, Gemco Construction Inc, has requested to withdraw their proposal. Therefore, we recommend that the second apparent low bidder, Matyear Construction be awarded the contract as follows:

Base Bid I \$ 141,417.00

If you have any questions, I can be reached at 541-4430

PROPOSAL

TO THE HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO
EL PASO, TEXAS

GENTLEMEN:

The undersigned having familiarized themselves with the local conditions affecting the cost of work and with the Contract documents consisting of Invitation to Bid, Instructions to Bidders, General Conditions, the Contractor's Proposal, Special Bid Conditions, Applicable Wage Rates, the Contract Form, plans, specifications, drawings, and addenda on file in the office of the Purchasing Department of the City of El Paso, hereby propose to perform everything required to be performed and to provide furnish and install all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services, and to complete in a workmanlike manner all the work required for the

OLD CLINT LANDFILL FENCING IMPROVEMENTS

BID NO. 2004-185

within the specified limits and in accordance with the plans, including Addenda numbers _____, AT THE FOLLOWING LUMP SUM (Additive alternate items are given on the following page(s): _____

BASE BID I: Complete installation of chain link fence on the North, South, & West sides of the old Clint landfill area.

The undersigned agrees to perform all of the work required for the total amount of:

\$ 141,417.00

COMPANY NAME: Matyear Construction Co., Inc.

BIDDER'S SIGNATURE: William Matyear

BIDDER'S NAME: William Matyear, President

Bidder's Name must be typed or printed

CONTRACT TIME AND LIQUIDATED DAMAGES

The undersigned Bidder agrees to commence work on a date to be specified in a written Notice to Proceed and to substantially complete the work on which he/she has bid within **THIRTY- (30) CONSECUTIVE CALENDAR DAYS**.

Bidder agrees to pay as liquidated damages the sum of **ONE HUNDRED FIFTY DOLLARS (\$150.00)** for each consecutive calendar day thereafter as provided in paragraph 6.8 of the General Conditions of the Contract.

PROPOSAL

Enclosed with this proposal is a certified check or bid bond for five percent (5%) of the TOTAL bid price including base bid(s) and alternate(s) which is agreed shall be collected and retained by the owner(s) as liquidated damages in the event this proposal is accepted by the Owner within sixty (60) consecutive calendar days after the date advised for the reception of bids and the undersigned fails to execute the contract and the required performance and payment bonds with the Owner within fourteen (14) consecutive calendar days after the date said proposal is accepted; otherwise, the said bid security shall be returned to the undersigned upon demand.

THE UNDERSIGNED BIDDER REPRESENTS TO THE CITY AND TO THE OTHER BIDDERS THAT HIS/HER BID, AND THE ESTIMATES ON WHICH IT IS BASED, HAS BEEN CAREFULLY CHECKED AND CONTAINS NO ERRORS, AND NOTHING HAS BEEN OMITTED OR OVERLOOKED IN DETERMINING THE AMOUNTS BID.

BIDDER'S NAME: Matyear Construction Co., Inc.

BY:

William Matyear

May 19, 2004

Signature

Date

William Matyear, President

915-565-5609

915-565-5855

Print Signer's name & title

Telephone

Fax

3330 Mountain Ave.

El Paso, Texas 79930

Address

City, State, Zip Code

Physical Address of Business - if different from above

City, State, Zip Code

IF THE BIDDER BE A CORPORATION, THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED:

I, Alicia Rodriguez, certify that I am the _____ Secretary of the corporation named as Bidder hereinabove; that William Matyear, who signed the foregoing contract on behalf of the Bidder, was then President of said corporation; that said proposal was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Alicia Rodriguez
CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL



May 20, 2004

City of El Paso Purchasing Dept.
2 Civic Center Plaza, 7th Floor
El Paso, Texas 77001
Attn: Jay Hanson

RE: Old Clint Landfill Fencing Improvements
Bid No.: 2004-185
Dated May 19, 2004

Dear Ms. Hanson,

Gemco Construction Inc. regrettably withdraws our bid of \$74,579.00 submitted for the subject Bid. Our decision to withdraw the bid is based on a material and substantial mistake in the preparation of our bid. The mistake is so serious that enforcement of the Bid would be unconscionable; and our mistake occurred despite the exercise of ordinary care. Gemco based its bid on inaccurate quantities.

We sincerely apologize for our mistake and hope that we did not inconvenience the City of El Paso in any way. We look forward to future bids.

Sincerely,

A handwritten signature in black ink, appearing to read "Hector Martinez", is written over the word "Sincerely,".

Hector Martinez
Vice-President

Cc: File

